



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 10, 2018

The Honorable Steven Smith
Chair, House Transportation Committee
Legislative Office Building, Room 203
Concord, NH 03301

Re: HB 1328 – AN ACT relative to biennial motor vehicle inspections

Dear Chairman Smith and Members of the Committee:

Thank you for the opportunity to comment on behalf of the Department of Environmental Services (NHDES) regarding HB 1328. This bill would change the annual motor vehicle inspection requirement to a biennial requirement and raise the fee for inspection stickers from \$3.25 to \$6.50. NHDES opposes this bill.

Motor vehicles account for over half of the air pollution that causes the formation of ground level ozone, a respiratory irritant that is the primary ingredient of smog. New Hampshire experiences multiple air quality action days each year due to elevated ozone levels. Although New Hampshire has recently been re-designated as being in attainment with the current National Ambient Air Quality Standard for ozone, under federal Clean Air Act (CAA) anti-backsliding provisions, New Hampshire must continue programs implemented to achieve attainment with the standards in order to ensure continued compliance with federal requirements¹. In addition, because New Hampshire is included in the federally designated Ozone Transport Region, the state is required to have a vehicle emissions inspection and maintenance (I/M) program. The CAA requires states submit an I/M State Implementation Plan (SIP) to the Environmental Protection Agency (EPA) outlining programs that will be implemented to bring states in line with air quality standards. The I/M SIP submittal includes authorizing statutes and state administrative rules implementing the I/M program. Upon approval of the SIP by EPA the statutes and state rules become federally enforceable.

New Hampshire's currently approved I/M SIP, one that was the result of extensive negotiations with EPA to implement a program less stringent than that required under the CAA, establishes the program as a statewide annual inspection that includes a visual anti-tampering inspection for vehicles less than 20 years old, and an OBD test for 1996 and newer vehicles. A change to the current program would require submittal of a SIP revision to EPA and the agency's subsequent approval of that revision. Changes to the I/M program prior to approval of a revised SIP could subject the state to federal enforcement and/or sanctions, including loss of highway funds as provided under the CAA².

¹ <https://www.gpo.gov/fdsys/pkg/USCODE-2013-title42/html/USCODE-2013-title42-chap85-subchapI-partD-subpart1-sec7505a.htm>

² CAA Section 110(m) and Section 179(a) and (b), <https://www.gpo.gov/fdsys/pkg/USCODE-2013-title42/html/USCODE-2013-title42-chap85-subchapI-partD-subpart1-sec7509.htm>

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: 271-2867 TDD Access: Relay NH 1-800-735-2964

The Honorable Steven Smith
Chair, House Transportation Committee
January 10, 2018
Page 2

It is possible that air quality modeling could be developed to support EPA approval of a SIP revision. However, because of anti-backsliding provisions of the CAA, any increase in emissions due to a change to biennial inspections would need to be offset by corresponding reductions from other sectors. It is the department's opinion that the stationary source sector has borne the primary burden for reducing air pollution emissions in the state for many decades. The department is concerned a change to a biennial state inspection may shift the burden for more stringent standards to the business sector, including industries and utilities. It is entirely appropriate for the mobile source sector to do its part to reduce emissions and motor vehicle I/M programs are a cost-effective tool, and one of the few tools available to states, for reducing emissions from this sector. Annual I/M programs are more effective at reducing emissions than biennial programs. The existing I/M program helps maintain the appropriate level of emissions reductions from motor vehicles, which are a significant source of air pollution in New Hampshire.

Thank you again for the opportunity to comment on HB 1328. Should you have further questions or need additional information, please feel free to contact either Craig A. Wright, Director, Air Resources Division, (Craig.Wright@des.nh.gov, 271-1088) or Rebecca E. Ohler, Administrator, Technical Services Bureau, (Rebecca.Ohler@des.nh.gov, 271-6749).

Sincerely,



Robert R. Scott
Commissioner

cc: Representative Dickey